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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,955	09/20/2005	Daniel Metz	026032-4945	1286

26371 7590 04/18/2007  
FOLEY & LARDNER LLP  
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EXAMINER
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WHITE, RODNEY BARNETT

ART UNIT	PAPER NUMBER
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3636

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/18/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/549,955

Applicant(s)

METZ ET AL.

Examiner

Rodney B. White

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date: \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 10-11, the language "a mechanical fixing of the spring in a central region of the spring" is unclear and confusing language.

In claim 6, line 7, the word - - in - - should be inserted after "is" so that the claim reads - - is in the release position - -.

The aforementioned problem renders the claim vague and indefinite.  
Clarification and/or correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 and 11-17, so far as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Barecki (U.S. Patent No. 3,572,831).

Barecki teaches a locking device, comprising: a support part, a spring 40 coupled to the support part and movable into at least one locking position, at least two retaining rods 25 having a plurality of recesses movably coupled to the support part, the spring interacting with the recesses so that movement of the spring into a locking position causes the support part to be locked relative to the retaining rods wherein the spring is provided in such a manner that locking of the retaining rods can be brought about by at least one of a mechanical fixing of the spring in a central region of the spring or that the locking of the at least two retaining rods 25 can be brought about by and an application of force on the spring means in a the central region, wherein the spring means is provided as a single part, wherein the spring extends in an elongate manner essentially between the retaining rods, wherein the spring-comprises at least one central part and end parts, wherein the spring 40 disengages the recesses, further comprising a sliding element which can be set at least in a first position and in, a second position, the spring interacting with the sliding element so that, when the sliding element is set into the first position, the spring is in the locking position and when the sliding element is set into the second position, the spring is in the release position, further comprising a headrest coupled to the retaining rods, wherein the headrest interacts with the retaining rods in an essentially vertically oriented manner, so that the headrest such that it is height-adjustable, wherein the sliding member is biased by a restoring spring, wherein the support part further comprises a bearing point

configured to prevent movement of a center region of the spring and the sliding element is operable to move ends of the spring.

Claims 1-6 and 11-17, so far as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Nemoto et al (U.S. Patent No. 4,671,573).

Nemoto et al teach a locking device, comprising: a support part, a spring 40 coupled to the support part and movable into at least one locking position, at least two retaining rods 5a,5b having a plurality of recesses movably coupled to the support part, the spring interacting with the recesses so that movement of the spring into a locking position causes the support part to be locked relative to the retaining rods wherein the spring is provided in such a manner that locking of the retaining rods can be brought about by at least one of a mechanical fixing of the spring in a central region of the spring or that the locking of the at least two retaining rods 5a,5b can be brought about by and an application of force on the spring means in a the central region, wherein the spring means is provided as a single part, wherein the spring extends in an elongate manner essentially between the retaining rods, wherein the spring-comprises at least one central part and end parts, wherein the spring 12 disengages the recesses, further comprising a sliding element which can be set at least in a first position and in, a second position, the spring interacting with the sliding element so that, when the sliding element is set into the first position, the spring is in the locking position and when the sliding element is set into the second position, the spring is in the release position, further comprising a headrest coupled to the retaining rods, wherein the

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headrest interacts with the retaining rods in an essentially vertically oriented manner, so that the headrest such that it is height-adjustable, wherein the sliding member is biased by a restoring spring , wherein the support part further comprises a bearing point configured to prevent movement of a center region of the spring and the sliding element. is operable to move ends of the spring.

Claims 1-5 and 11-13, so far as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Schmidt (German Patent No. DE 196 30 473 A1).

Schmidt teaches a locking device, comprising: a support part, a spring coupled to the support part and movable into at least one locking position, at least two retaining rods having a plurality of recesses movably coupled to the support part , the spring interacting with the recesses so that movement of the spring into a locking position causes the support part to be locked relative to the retaining rods wherein the spring is provided in such a manner that locking of the retaining rods can be brought about by at least one of a mechanical fixing of the spring in a central region of the spring or that the locking of the at least two retaining rods can be brought about by and an application of force on the spring means in a the central region, wherein the spring means is provided as a single part, wherein the spring extends in an elongate manner essentially between the retaining rods, wherein the spring-comprises at least one central part and end parts, wherein the spring disengages the recesses.

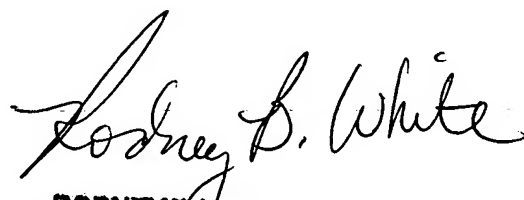
Claims 7-10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (571) 272-6863. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on (571) 272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Rodney B. White,  
Patent Examiner  
Art Unit 3636  
April 14, 2007

  
**RODNEY B. WHITE**  
**PRIMARY EXAMINER**